

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, JULY 23, 2015**

PRESENT: Peter F. Murphy, Springfield District
Julie M. Strandlie, Mason District
James R. Hart, Commissioner At-Large
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Earl L. Flanagan, Mount Vernon District
John L. Litzenberger, Jr., Sully District
Janyce N. Hedetniemi, Commissioner At-Large
Timothy J. Sargeant, Commissioner At-Large

ABSENT: Frank A. de la Fe, Hunter Mill District
Kenneth A. Lawrence, Providence District

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The meeting was called to order at 8:17 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Chairman Murphy announced that tonight was the last Planning Commission meeting before the August recess. On behalf of the Commission, he commended the Planning Commission office staff for their work.

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Commissioner Hart announced that John W. Cooper, Clerk to the Planning Commission, had distributed the sets of minutes from January 2015 to April 2015 to the Commission. He then requested that Commissioners review these minutes and submit any revisions to Mr. Cooper. He indicated that he intended to move the approval of these minutes at the Planning Commission's meeting on Thursday, September 17, 2015.

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Commissioner Litzenberger announced that the Planning Commission's Schools Committee would meet on Thursday, September 24, 2015 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center.

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. SE 2015-SP-012 – MACY’S RETAIL HOLDINGS, INC.
2. SE 2014-MV-074 – CARLA’S WEECARE HOME DAYCARE
3. PA 2015-III-DS1 – DULLES SUBURBAN CENTER, LAND UNIT J, WEGMANS (Sully District)

This order was accepted without objection.

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The first public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Secretary Hart.

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SE 2015-SP-012 – MACY’S RETAIL HOLDINGS, INC. – Appl. under Sect. 9-620 of the Zoning Ordinance to permit a waiver of certain sign regulations. Located at 11700 Lee Jackson Memorial Hwy., on approx. 14.19 ac. of land zoned C-7, HC. Tax Map 46-3 ((8)) 5. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Inda Stagg, Applicant’s Agent, Walsh, Colucci, Lubeley & Walsh, PC, reaffirmed the affidavit dated May 26, 2015.

Secretary Hart disclosed that his law firm, Hart & Horan, PC, had a case where attorneys in Ms. Stagg’s firm were representing an adverse party. However, he noted that this matter and those parties were not related to this case and there was no business or financial relationship; therefore, it would not affect his ability to participate in this case.

Commissioner Murphy asked that Secretary Hart ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Secretary Hart closed the public hearing and recognized Commissioner Murphy for action on this case.

(Start Verbatim Transcript)

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Secretary Hart: I’ll recognize Mr. Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. This is a very straightforward application. As we all know that when the Hecht’s at Fair Oaks Mall departed, they put in a Macy’s I and a Macy’s II. There are two Macy’s stores there. And one Macy’s is changing its name to Macy’s Furniture so they have asked for a Special Exception to put a sign in on those stores – that

indicate - that – it’s change of name. We’re glad to see that Macy’s is prospering at that mall on – it’s two important anchors bringing in a lot of money to the County with tax dollars and we appreciate that. And I can’t tell you how much we enjoy every store out in Fair Oaks Mall. And Robby Stark, who is the director of the mall out there, does an outstanding job making a really top notch – top notch facility. This application is in conformance with the Comprehensive Plan and meets the Special Exception Zoning Ordinance standards. And I would ask – if the applicant would please come forward, identify yourself for the record, and please reaffirm that you have read the development conditions – you understand the development conditions and you will live by those development conditions.

Inda Stagg, Applicant’s Agent, Walsh, Colucci, Lubeley & Walsh, PC: Yes sir. My name is Inda Stagg. I’m with Walsh Colucci. We represent the applicant and we have looked at the development conditions and agree to them.

Commissioner Murphy: Thank you very much. Therefore, Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THAT IT APPROVE SE 2015-SP-012, SUBJECT TO THE DEVELOPMENT CONDITIONS CONTAINED IN APPENDIX 1 OF THE STAFF REPORT.

Commissioners Litzenberger and Sargeant: Second.

Secretary Hart: Seconded by Commissioner Sargeant and Commissioner Litzenberger. Any discussion? Seeing none, we’ll move to a vote. All in favor, please say aye.

Commissioners: Aye.

Secretary Hart: Those opposed? That motion carries.

Commissioner Murphy: Thank you very much. Thank you, Inda.

(The motion carried by a vote of 10-0. Commissioners de la Fe and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

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At the conclusion of the case, Chairman Murphy resumed the Chair.

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SE 2014-MV-074 – CARLA’S WEECARE HOME DAYCARE –
Appl. under Sects. 6-105, 6-106 and 8-305 of the Zoning Ordinance to permit a home child care facility. Located at 8045 Winding Way Ct., Springfield, 22153, on approx. 16,130 sq. ft. of land zoned PDH-3. Tax Map 98-1 ((4)) 541. MOUNT VERNON DISTRICT. PUBLIC HEARING.

Carla Seay, Applicant/Title Owner, reaffirmed the affidavit dated February 28, 2014.

There were no disclosures by Commission members.

Nicholas Rogers, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2014-MV-074.

Commissioner Flanagan noted that Commissioners had expressed concerns to staff prior to the public hearing regarding the status of the yards, pointing out that both yards were identified as front yards. He added that due to this status of the yards, the existing accessory structures on the site were in violation of the Zoning Ordinance and the applicant would be required to obtain approval of a variance application to permit these structures.

Commissioner Flanagan said that the subject application was similar to other home child care applications that had been submitted to the Planning Commission in recent months. He then explained that the applicant had been operating a home child care facility on the site since 2004 and this facility was licensed by the State of Virginia to care for 12 children, but noted that such use was a violation under the Zoning Ordinance and approval of the subject application would bring it into conformance.

Referring to the letter dated September 24, 2013 from the Newington Forest Community Association that had been included in the staff report, Commissioner Sargeant pointed out that this letter had stipulated that the proposed use required the approval of a Special Permit from the Fairfax County Board of Zoning Appeals instead of the Planning Commission. He then asked staff to clarify why approval of a Special Exception (SE) by the Planning Commission was also required. Mr. Rogers explained that an SE was required for the proposed use because the subject property was zoned PDH-3 and such districts were governed by a Conceptual Development Plan (CDP) and a Final Development Plan (FDP). He then stated that unless a specific land use was listed on the CDP and FDP, an approved SE was required to permit such a use.

Ms. Seay indicated that she concurred with staff’s recommendation regarding the proposal.

Chairman Murphy called for speakers, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Flanagan for action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed – Mr. Flanagan.

Commissioner Flanagan: Thank you, Mr. Chairman. I’m going to – I’d like to request the applicant to confirm – come to the lectern and confirm for this record their agreement to the proposed development conditions dated July 9, 2015.

Carla Seay, Applicant/Title Owner: What was that again?

Commissioner Flanagan: The conditions that this application – do you agree with them?

Ms. Seay: Yes.

Commissioner: You do. Thank you.

Ms. Seay: Is that all?

Chairman Murphy: Yep. You never know, but for the time being anyways. Okay?

Commissioner Flanagan: That being the case, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2014-MV-074, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED JULY 9, 2015.

Commissioner Sargeant: Second.

Chairman Murphy: Seconded by Mr. Sargeant. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2014-MV-074, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Ms. Seay, thank you – appreciate it.

(The motion carried by a vote of 10-0. Commissioners de la Fe and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

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PA 2015-III-DS1 – DULLES SUBURBAN CENTER, LAND UNIT J, WEGMANS – To consider proposed revisions to the Comprehensive Plan for Fairfax County, VA, in accordance with the Code of Virginia, Title 15.2, Chapter 22. This Amendment concerns approx. 21 ac. generally located north of the Westfields Boulevard and Newbrook Drive/Park Meadow Drive intersection (Tax Map #44-1((1)) 6 part). The area is planned for office, conference center/hotel, industrial/flex, and industrial uses at an average intensity of 0.5 FAR. The amendment will consider an option for approximately 180,000 square feet of retail uses. Recommendations relating to the transportation network may also be modified. SULLY DISTRICT. PUBLIC HEARING.

Clara Johnson, Planning Division (PD), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended adoption of the modifications to the Comprehensive Plan proposed by PA 2015-III-DS1

Referring to pages 7 and 8 of the staff report, which depicted the estimated trip-generation calculation for the existing and proposed development options on the site, Commissioner Litzenberger asked for additional information about the methodology utilized for calculating these figures. Kristen Calkins, Fairfax County Department of Transportation (FCDOT), explained that FCDOT made the three following estimates:

- Figure 4 on page 7 of the staff report, indicated that a hotel, shopping center, and office development would generate approximately 8,853 daily trips;
- Figure 6 on page 8 of the staff report, indicated that an office development at a 0.5 floor-area ratio would generate approximately 5,045 daily trips; and
- Figure 5 on page 7 of the staff report, indicated that a supermarket and retail development, as articulated in the proposed Amendment, would generate approximately 14,441 trips.

Ms. Calkins noted that these calculations did not incorporate traffic mitigation measures or transportation impacts from adjacent sites. She then said that these estimates were compiled to provide baseline information from which to compare the existing development options for the site with the proposed option articulated in the proposed Amendment.

Referring to second bullet in the proposed language, as shown on page 11 in the staff report, Commissioner Hart noted the importance of articulating that the increase in trips generated by the new development option would be sufficiently mitigated. He recommended that the effectiveness of these mitigation efforts be measured by their impact on the Level of Service (LOS) at the intersections near the subject property. Commissioner Hart pointed out that the intersection of Westfields Boulevard and Stonecroft Boulevard, which was located to the south and west of the subject property, had an LOS of F. He added that additional residential developments had been approved near the subject property, which would also affect the LOS at intersections in the area.

Commissioner Hart asked whether the LOS of F at the intersection of Westfields Boulevard and Stonecroft Boulevard would affect the traffic mitigation measures that an applicant would be required to implement. He also asked for more information about the LOS of the two intersections for Westfields Boulevard and Newbrook Drive under the existing Comprehensive Plan recommendations for the site. Ms. Calkins explained that Westfields Boulevard and Stonecroft Boulevard, were the only intersections located near the subject property that operated with an LOS of F. She indicated that most of the other intersections operated an LOS of D or E. Ms. Calkins then said that the intent of the language in the proposed Amendment was to maintain the existing LOS at the surrounding intersections or improving them. A discussion ensued between Commissioner Hart and Ms. Calkins regarding the LOS for the two intersections at

Westfields Boulevard and Newbrook Drive wherein Ms. Calkins confirmed that the LOS for these intersections operated at an LOS of D or E.

When Commissioner Hart asked whether the language in the proposed Amendment would apply to the intersection of Westfields Boulevard and Stonecroft Boulevard, Ms. Calkins said that this intersection had been included in the traffic analysis that had been conducted to determine the impact of a supermarket and retail development. She then indicated that this analysis concluded the impact of such a development on this intersection would be minimal. Ms. Calkins added that the LOS at this intersection could be improved with the implementation of proffered commitments submitted by future applicants, noting that there was an outstanding Rezoning application for a Wegmans facility for this site.

Addressing Commissioner Hart's question regarding the LOS at the surrounding intersections under the existing Comprehensive Plan recommendations, Ms. Calkins said that the LOS under these developments would be at Level D.

Referring to page 7 of the staff report, Commissioner Sargeant pointed out that the option for a retail development in the proposed Amendment would generate 63 percent more trips than the existing development options for the site. He then expressed concern regarding an applicant's ability to sufficiently mitigate this impact if this retail option were pursued. Ms. Calkins explained that the referenced 63 percent trip increase for the proposed retail use was a cumulative estimate, which did not account for trips generated by other uses at nearby properties. In addition, she stated that approximately 35 percent of the trips that would utilize the proposed retail use were existing trips generated by these other uses. Ms. Calkins also indicated that the existing hotel development option for the site would generate more unique trips, which would have a greater transportation impact on the surrounding area. She said that staff would assess the applicant's ability to mitigate the estimated trip increase and ensure efficient traffic flow if the retail development option were pursued. A discussion ensued between Commissioner Sargeant and Ms. Calkins regarding the number of trips that would be generated by the proposed retail use compared to the number of existing trips generated by surrounding uses and the strength of the language in the proposed Amendment in requiring appropriate traffic mitigation measures wherein Ms. Calkins stated that the language was sufficient to provide an applicant the necessary means to demonstrate the necessary traffic mitigation efforts to warrant a use.

Addressing Commissioner Sargeant's concerns regarding the traffic mitigation measures to be implemented by applicants seeking a retail option, Commissioner Litzenberger noted that this concern had been discussed at community meetings for the proposed Amendment. He said that during these meetings, a prospective applicant and staff from Supervisor Michael Frey's office agreed that traffic mitigation efforts could be phased to ensure that the applicant had sufficient flexibility to implement the retail option. In addition, Commissioner Litzenberger stated that the existing owner of the subject property had unfulfilled proffers from a previous Rezoning application. He then indicated that addressing these proffers would be resolved privately between the existing owner and a prospective applicant.

Referring to the language in the second bullet on page 11, Commissioner Flanagan expressed concern regarding the language utilized for articulating the traffic mitigation recommendations

for the proposed retail use, saying that this language was worded like a requirement rather than a recommendation. Ms. Johnson explained that the intent of this language was to articulate to a prospective applicant that a development had to either reduce the amount of peak-hour trips or sufficiently mitigate the traffic impact so as not to negatively impact the LOS at nearby intersections. A discussion ensued between Commissioner Flanagan and Ms. Johnson, with input from Chairman Murphy, regarding the this language wherein Ms. Johnson clarified that the intention was to articulate the necessary criteria for an applicant to adhere to in pursuing the retail development option.

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Francis McDermott, 1751 Pinnacle Drive, Suite 1700, McLean, representing Hunton & Williams, LLP, said he was speaking on behalf of the contract purchaser of the property. He then explained the following:

- The owners of the subject property supported a retail development and concurred with staff's recommendations, as articulated in the proposed Amendment;
- The retail development option would incur a positive impact to the commercial and residential developments located near the site;
- The retail development option would incur less peak-hour traffic than the existing hotel/office development option and this transportation impact was consistent with the standards articulated in the proposed Amendment;
- The Traffic Impact Analysis conducted by a prospective applicant for a proposed retail use on the site had concluded that approximately 56 percent of the trips that would utilize such a use were generated by existing uses on nearby properties;
- The proposed retail development option would utilize more existing trips than the existing hotel/office development option;
- The proposed retail development would complement the surrounding commercial uses in a manner that would further mitigate the traffic impact;
- The overall number of trips generated by the proposed retail development option compared to the existing hotel/office development options generated only a slight increase of trips when the source of the trips were taken into account;
- The estimated 63 percent increase in trips articulated in the Road Network Impact section on page 7 of the staff report was not an accurate estimation of the overall traffic impact of the proposed retail development option;
- The LOS at the intersection of Stonecroft Boulevard and Westfield Boulevard would be improved under the proposed retail development option;

- The LOS at the two intersections of Westfield Boulevard and Newbrook Drive would be improved under the proposed retail development option compared to the existing hotel/office development option; and
- The impact of the proposed retail development option on the LOS at other nearby intersections was negligible.

Mr. McDermott added that other concerns regarding the transportation impact of the proposed retail development option for the site would be addressed during the Rezoning process.

Commissioner Hurley asked for more information about the trips that would be generated by the proposed retail development option. Mr. McDermott clarified that a significant portion of these trips would come from existing traffic that utilized Westfields Boulevard and Route 28. He added that nature of a retail use generated fewer peak-hour trips compared to a hotel/office use. A discussion ensued between Commissioner Hurley and Mr. McDermott regarding the extent of the traffic impact generated by the proposed retail use wherein Mr. McDermott indicated that a retail use complemented existing traffic patterns in the surrounding area.

A discussion between Commissioner Migliaccio and Mr. McDermott regarding the possible installation of a pub under the proposed retail development option and the traffic impact that would be generated by such a use.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Litzenberger for action on this item.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed – Mr. Litzenberger.

Commissioner Litzenberger: Thank you, Mr. Chairman. Let me get organized here. We've sent out the changes to the Plan yesterday. I want to thank staff for meeting on a number of occasions on this. And we've wordsmithed this to death. And then Mr. McDermott came out to Sully on a number of occasions with the clients and also worked out the details here. Both land use committees in the Sully District are excited about Wegmans coming to Chantilly – not that they don't like driving to Fairfax, but they'd rather have it closer. Both staff and the client – Wegmans stated that once the mitigation can be phased that – the traffic - transportation will be better after the mitigation measures are employed than it is today. So that's encouraging. So without further ado, I will go on verbatim now. Mr. Chairman, I MOVE THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS THE ADOPTION OF A PLANNING COMMISSION ALTERNATIVE FOR PA 2015-III-DS1, AS SHOWN IN MY HANDOUT DATED JULY 23RD, 2015. This handout was distributed yesterday on July 22nd.

Commissioner Hedetniemi: Second.

Chairman Murphy: Seconded by Ms. Hedetniemi. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it adopt Plan Amendment PA 2015-III-DS1, as articulated this evening by Mr. Litzenberger, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Litzenberger: Thank you, Mr. Chairman.

Chairman Murphy: Thank you.

(The motion carried by a vote of 10-0. Commissioners de la Fe and Lawrence were absent from the meeting.)

(End Verbatim Transcript)

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The meeting was adjourned at 9:08 p.m.

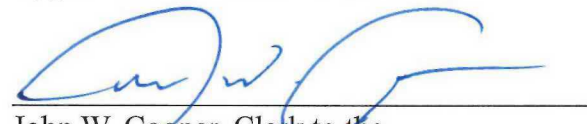
Peter F. Murphy, Chairman

James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: October 21, 2015



John W. Cooper, Clerk to the
Fairfax County Planning Commission